

**Town of Felton  
Town Council Meeting  
August 9, 2010  
7:00pm**

Mayor Kelley called the Town Council of Felton Meeting to order at 7:00pm on Monday, August 9, 2010. Present at the meeting were:

**Council Members:** Mayor David L. Kelley, Joe Yapsuga Jr., Kevin Fletcher, Joanne Clendaniel and Anthony Carroll.

**Staff:** Town Manager, Rebecca Greene; Chief of Police, Levi Brown; Town Clerk, Sarah Ferguson.

**Public:** Residents – Janette Carroll

**Citizen Concerns:**

Councilman Carroll stated that he had heard from concerned Hidden Pond residents about the unfinished house at 221 Fan Branch. Rebecca stated that it had been sold back to the bank in Sheriffs Sale. Mayor Kelley stated that since it is structurally sound and all openings are boarded Kent County will not condemn the building. Rebecca said that she will contact Wachovia (the bank that bought it) about what they are going to do with the unfinished building.

There was also a concern that drug paraphernalia had been found in a house that was for sale in Hidden Pond and Rebecca stated that the Police Department should have been contacted.

**Police Report:**

Chief Brown reviewed the August 2010 Police Report (see attached). He stated that the tickets for August 2010 were:

<b>Officer</b>	<b>2009</b>	<b>Regular 2010</b>	<b>SEU 2010</b>	<b>Total 2010</b>
<b>9451</b>	284	209	39	248
<b>9452</b>	237	215	111	326
<b>9453</b>	190	226	0	226
<b>9454</b>	88	150	73	223
<b>9455</b>	165	56	43	99

Councilwoman Clendaniel asked why there were so many parking tickets. Chief Brown responded that they had received complaints about cars being parked against the flow of traffic so the Police Department has gone out and started writing citations in an effort to curb this practice.

Rebecca stated that the GPS have been installed and are running in all Police vehicles. Rebecca will be training on the GPS software.

**Motion:** Councilwoman Clendaniel made a motion to accept the Police Report. Councilman Fletcher seconded the motion. The motion passed unanimously.

**Budget Report:**

Rebecca reminded Council that at the last meeting she had told them about the water line repair issues and asked Council if \$9,750 could be pulled out of the Water Impact Account instead of the General Budget to pay for these water repairs. Council was in agreement.

Rebecca stated that the Water Treatment Building has been up and running for three years and we now need to purchase components so she would like a line for "System Components" to be included in the budget.

Rebecca also informed Council that residents have been calling about receiving tax statements that should have gone to their mortgage company and explained that one of the large mortgage companies had left 30+ properties off their list of properties. She said that those residents that were left off had faxed or mailed the bills to their mortgage company.

Councilman Carroll asked what would be done about the Property Taxes that are delinquent and Rebecca responded that she will work with the resident to create a payment agreement plan and if they do not follow the payment agreement plan we will have to attach their wages or sell the house.

**Motion:** Councilman Fletcher made a motion to accept the Budget Report and to authorize Rebecca to pull \$9,750 from the Water Impact Fee for water repairs. Councilwoman Clendaniel seconded the motion. The motion passed unanimously.

**Minutes:**

Mayor Kelley presented the July 12, 2010 Town Council Meeting Minutes and asked if there were any corrections. Councilman Yapsuga stated that he had reviewed the minutes and did not have any comments or corrections.

**Motion:** Councilman Yapsuga made a motion to accept the July 12, 2010 Town Council Meeting Minutes. Councilwoman Clendaniel seconded the motion. The motion passed unanimously.

**Chesapeake Utility Franchise Agreement**

Rebecca stated that since the Town's Attorney (Terry Jaywork) has answered all of Council's questions regarding the Town's liability in the Chesapeake Utility Franchise Agreement (see attached email response) they can now decide whether or not to move forward. Council agreed that they would like to move forward and Rebecca stated that the only other question was if the Town would charge Chesapeake Utility a franchise fee.

**Motion:** Councilman Fletcher made a motion to accept the Chesapeake Utility Franchise Agreement with no franchise fee. Councilman Yapsuga seconded the motion. The motion passed unanimously.

**Highway Safety**

Chief Brown presented Highway Safety Guidelines specifying how Highway Safety Duty will be run. Rebecca stated that she would like to see added that if an Officer changes their shift it is requested and authorized ahead of time and Chief Brown agreed that this was a good idea.



Mayor Kelley suggested that there should be a sign up sheet for any Highway Safety Duty so that Officers can volunteer instead of being scheduled by the Sergeant as they are now. Chief Brown agreed that he will see that there is a signup sheet for each Highway Safety program and will save the signup sheet with the Highway Safety paperwork. Rebecca added that the officers should initial if they do or do not want to work the specific Highway Safety and the sheet should include the date posted. Chief Brown said that these were good ideas that he will include.

**Motion:** Councilman Yapsuga made a motion that Highway Safety Hours will be on a voluntary basis with a signup sheet which will include the date posted, and area for Officers to note if they do or do not want to work and initial and if there is a change in the schedule it will be authorized before hand. Councilman Fletcher seconded the motion. The motion passed unanimously.

### **Request for Fee Refund**

Rebecca stated that Mr. Voshell of Heritage Homes was requesting a refund of \$4,237.39 that he had paid for a Compliance Letter and associated fees for Lot #9 at Rosewood Farms Subdivision. She explained that he had paid for the Compliance Letter and other fees for the lot then the deal fell through and he no longer owns the lot so can not use the Compliance Letter. Rebecca also explained that Mr. Voshell currently owes approximately \$2,566.69 in Property Tax to the Town some of which is past due.

Councilman Yapsuga said that in his opinion the Town should take the amount due in taxes out of any refund. Councilman Fletcher asked what happens next with the property and Rebecca stated that another Construction Company will come and apply for a Compliance Letter. Mayor Kelley stated that the Town will not be out any money that was refunded to Mr. Voshell because the next builder will pay the same fees. Mayor Kelley said that he thinks the Town should refund the money minus taxes owed. Councilwoman Clendaniel did not agree stating that it is a risk he took in construction.

Rebecca explained that there would be bookkeeping problems with moving Impact Funds from one fiscal year to the next. She continued stating that the cleanest way to do this is to issue a credit for him to use on the next house he sells but we will issue the credit only after he pays his property taxes. If he does not pay his property taxes in 30 days the credit will be used toward any property taxes owed to the Town.

**Motion:** Councilwoman Clendaniel made a motion to issue a credit to Mr. Voshell but it can not be used until taxes are paid. Councilman Carroll seconded the motion. The motion passed unanimously.

### **Odd Fellows Fence**

Rebecca stated that the Odd Fellows are requesting to repair the fence at Odd Fellows Park. The Town owns the land but the Odd Fellows maintain the park. They also would like the Town to make a donation toward purchasing new fencing. Council decided that they will give them the Town's permission to do the repairs and they should send the Town a copy of any expenses and then Council will entertain any reimbursement.

### **Swimming Pool**

Rebecca stated that the owner of 82 Cattle Dr. has a pool which is 48" deep and does not have fencing as required by the Town's Planning and Zoning Code. Rebecca stated that there have been a number of deaths in Delaware this year attributed to drowning in pools. Council discussed the issue and referred him to Planning & Zoning.

**Motion:** Councilwoman Clendaniel made a motion to adjourn the meeting. Councilman Fletcher seconded the motion. The motion passed unanimously.

Sarah Ferguson, Town Clerk prepared these minutes.

Sarah Ferguson  
Sarah Ferguson

9/13/10  
Date